

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Informal Complaints Filed By	)	
Independent Payphone Service	)	File Nos. IC-98-42853, et al.
Providers Against Various	)	
Local Exchange Carriers	)	
Seeking Refunds Of End User	)	
Common Line Charges	)	

**ORDER**

**Adopted:** August 1, 2002

**Released:** August 2, 2002

By the Chief, Enforcement Bureau:

1. In this Order, we extend the deadline for converting End User Common Line (“EUCL”) informal complaints that are covered by the Common Carrier Bureau’s Order of September 10, 1999,<sup>1</sup> into formal complaints.<sup>2</sup> In these informal complaints, independent payphone providers (“IPPs”) allege that the defendant local exchange carriers (“LECs”) improperly assessed EUCL charges, in violation of the Commission’s rules and sections 201(b) and 202(a) of the Communications Act, as amended (the “Act”).<sup>3</sup> For reasons of administrative efficiency and because of ongoing settlement discussions, the staff previously extended the deadline for conversion of these informal complaints into formal complaints.<sup>4</sup> Pursuant to the most recent Bureau order,

<sup>1</sup> *Informal Complaints Filed By Independent Payphone Service Providers Against Various Local Exchange Carriers Seeking Refunds of End User Common Line Charges*, Order, 16 FCC Rcd 3669 (CCB 1999), at ¶ 5 (“First Waiver Order”). See also *C.F. Communications Corp., et al. v. Century Telephone of Wisconsin, Inc., et al.*, Memorandum Opinion and Order on Remand, 15 FCC Rcd 8759, 8768 (2000); *C.F. Communications Corp. v. FCC*, 128 F.3d 735 (D.C. Cir. 1997); *C.F. Communications Corp. v. FCC*, No. 97-1202, slip. op (D.C. Cir. 1997); *C.F. Communications Corp. v. Century Telephone of Wisconsin, Inc. et al.*, Memorandum Opinion and Order, 8 FCC Rcd 7334, 7335-36 (1993); *C.F. Communications Corp. v. Century Telephone of Wisconsin, Inc., et al.*, Memorandum Opinion and Order, 10 FCC Rcd 9775 (1995); *C.F. Communications Corp., et al. v. Michigan Bell Telephone Co., et al.*, Memorandum Opinion and Order, 12 FCC Rcd 2134 (1997). A final nonappealable order has been entered in this proceeding. See *Verizon Telephone Companies, et al. v. FCC*, 269 F.3d 1098, 1109 (D.C. Cir. 2001).

<sup>2</sup> Ordinarily, section 1.718 requires that a formal complaint must be filed with six months of the carrier’s response to the informal complaint if the formal complaint is to relate back to the filing of the informal complaint. See 47 C.F.R. § 1.718(a).

<sup>3</sup> 47 U.S.C. §§ 201(b) and 202(a); 47 C.F.R. §§ 69.1 *et seq.*

<sup>4</sup> See *First Waiver Order*, 16 FCC Rcd at 3671, ¶ 5. See also *Informal Complaints Filed By Independent Payphone Service Providers Against Various Local Exchange Carriers Seeking Refunds of End User Common Line Charges*, Order, 17 FCC Rcd 2225, 2226 (EB 2002), at ¶ 3 (“Second Waiver Order”).

informal complaints were required to be converted by September 9, 2002, to benefit from the relation back rule outlined in section 1.718.<sup>5</sup>

2. The Commission is currently adjudicating thirteen formal complaints that were recently converted from informal complaints and that raise many issues similar to those raised in the pending informal complaints.<sup>6</sup> The Commission is expected to rule on these liability issues by November 19, 2002, the relevant statutory deadline. We anticipate that the resolution of these legal issues will be relevant to the settlement of the informal complaints. Accordingly, we now extend to June 30, 2003, the filing deadline for the conversion of these EUCL informal complaints into formal complaints.<sup>7</sup> Because this extension will facilitate the possible settlement of these numerous claims, we are satisfied that our action today serves the public interest.

3. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 208, section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.011 and 0.311, that section 1.718(a) of the Commission's rules, 47 C.F.R. § 1.718(a), IS HEREBY WAIVED, with regard to the IPP EUCL informal complaints described herein and the deadline for the conversion and filing of these informal complaints into formal complaints is hereby extended to June 30, 2003. This waiver is effective as of the release of this Order.

4. IT IS FURTHER ORDERED, that the Secretary of the Commission shall cause to have this Order published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

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<sup>5</sup> *Second Waiver Order*, 17 FCC Rcd at 2226, ¶ 3.

<sup>6</sup> See Formal Complaints filed in *Communications Vending Corporation of Arizona, Inc., et al. v. Citizens Communications Company f/k/a Citizens Utility Company and Citizens Telecommunications Company d/b/a Citizens Telecom, et al.*, File Nos. EB-02-MD-018-030.

<sup>7</sup> See 47 C.F.R. §§ 1.718 *et seq.*